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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,214	02/01/2002	Kevin A. Himmel	11612.02	1925

20322 7590 12/18/2003

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EXAMINER
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HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/062,214

Applicant(s)

HIMMEL ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 8-9, 12-15, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao (US 2003/0110215).**

1. [Claims 1, 12]: Regarding Claims 1 and 12, Joao discloses providing on-line content concerning educational materials for particular courses offered by academic providers. See p.1, [0009]. Joao discloses providing an on-line electronic syllabus for the educational course, the syllabus identifying units (i.e. course materials), assignments (i.e. course materials), and educational materials (i.e. course materials) for the educational course. See p.6, [0064] and p.20, [0224]. Identifying a particular user enrolled in at least one of the educational courses would be an inherent feature of Joao's invention. Joao discloses electronically recording activity by the user relating to the user's enrollment in the educational courses for the duration of the user's enrollment. See p.3, [0030].
2. [Claims 2, 13]: Regarding Claims 2 and 13, Joao discloses wherein the recording

step includes recording an identification of courses enrolled in by the user and content entered by the user relating to assignments for the enrolled course. See p.18, [0202].

3. [Claims 3, 14]: Regarding Claims 3 and 14, Joao discloses wherein the recording step includes recording an indication of grades (e.g. final grade) given to the user for the enrolled courses. See p.20, [0227].

4. [Claims 4, 15]: Regarding Claims 4 and 15, Joao discloses wherein the recording step includes recording an indication of on-line searches performed by the user (i.e. downloading and/or printing out any desired information obtained from and/or during these searches). See p.19, [0210].

5. [Claims 8, 19]: Regarding Claims 8 and 19, Joao discloses including specifying permissions (e.g. via a third party) for access to the recorded activity. See p.4, [0040].

6. [Claims 9, 20]: Regarding Claims 9 and 20, Joao discloses receiving from a subscribing user (i.e. those who may have an interest in monitoring a student's progression) a request (inherent) for subscription to the user's activity and transmitting an indication of the user's activity to the subscribing user. See p.4, [0040].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao**

[Claims 10, 21]: Regarding Claims 10 and 21, Joao does not disclose expressly verifying permission for the requested subscription and selectively granting the subscription for the transmitting step based upon the verifying step. However, mechanisms for verifying permission and granting access based upon verification are old and well known in the art. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Joao in order to provide authorized access to information.

**Claims 5-6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Keith, Jr. (US 2002/0004793).**

[Claims 5-6, 16-17]: Regarding Claims 5-6 and 16-17, Joao does not disclose expressly wherein the recording step includes recording for each of the searches an indication of a search query (i.e. parameters) and an indication of corresponding search results and permitting the user to access the recorded indications of the on-line searches. However, Keith teaches such in p.11, [0092]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Joao, in light of the teaching of Keith, in order to enable a user to record information on topics of their choice.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao/Keith as applied to claim 6 above, and further in view of Nashed (US 6,654,749).**

[Claims 7]: Regarding Claim 7, Joao/Keith does not disclose expressly wherein the recording step includes specifying a network address (i.e. clicking on the titles of one or more of the web page hits) of content as the indication of the corresponding search results. However, Nashed teaches such in Col.7: 26-29. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Joao/Keith, in light of the teaching of Nashed, in order to retrieve the body of a web page.

**Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Ho et al. (US 6,213,780).**

[Claims 11, 22]: Regarding Claims 11 and 22, Joao does not disclose expressly transmitting to the user an indication (e.g. information on the job position) of the request for the subscription. See Col.17: 23-25. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Joao, in light of the teaching of Ho, in order to inform the user of those that are interested in the user.

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Nashed.**

[Claim 18]: Regarding Claim 18, Joao does not disclose expressly wherein the

recording step includes specifying a network address (i.e. clicking on the titles of one or more of the web page hits) of content as the indication of the corresponding search results. However, Nashed teaches such in Col.7: 26-29. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Joao, in light of the teaching of Nashed, in order to retrieve the body of a web page.

#### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

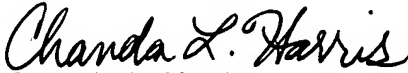
- Slider et al. (US 6,505,031)  
-transmitting assignments to parents
- Pellegrino et al. (US 6,149,441)  
-search results
- Thomsen (US 2002/0051956)  
-syllabus
- Parker (US 2003/0207245)  
-enrollment, grades
- Helmick et al. (US 6,470,171)  
-syllabus, assignments, grades
- Eisendrath et al. (US 6,347,333)  
-grades

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Chanda L. Harris  
Examiner  
Art Unit 3714

ch.